IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 1440 of 2004
In
SPECIAL CIVIL APPLICATION No. 6872 of 2003
With
LETTERS PATENT APPEAL No. 1441 of 2004
In
SPECIAL CIVIL APPLICATION No. 6871 of 2003
With
CIVIL APPLICATION No. 5688 of 2004
In
LETTERS PATENT APPEAL No. 1440 of 2004
with
CIVIL APPLICATION No. 5692 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT KAMGAR PANCHAYAT - Appellant(s)

Versus

NILSIN DYES & PIGMENTS & 3 - Defendant(s)

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Appearance :

MR DIPAK R DAVE for Petitioner No(s).: 1.
MR KM PATEL for Respondent No(s).: 1.
RULE SERVED for Respondent No(s).: 2.
RULE SERVED BY DS for Respondent No(s).: 2.
MS.PAUROMI SHETH, AGP for Respondent No(s).: 3,4.
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CORAM :HONOURABLE MR.JUSTICE R.S.GARG
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date : 12/07/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1.This order shall dispose of Letters Patent Appeal Nos. 1440 of 2004, 1441 of 2005 and Civil Application Nos. 5688 of 2004 and 5692 of 2004. The appellant-Gujarat Kamgar Panchayat, being aggrieved by the order dated 25.2.2004 passed in Special Civil Applications Nos. 6871 of 2003 and 6872 of 2003, whereunder conditional stay order was issued in favour of the original petitioner/present respondent, is before this Court. During course of the arguments, when we inquired from the learned counsel for the respondent – M/s. Nilsin Dyes & Pigments that whether the terms of the order dated 25.2.2004 have been complied with or not, the learned counsel for the respondent submitted that 20% of the amount was not deposited.

2. From perusal of para-3 of the impugned order, it would clearly appear that the order was to survive on the condition that the original petitioner deposits 20% of the amount of penalty within a period of three months from the date of the order or within the period extended by the

learned Single Judge. If within a period of three months from 25.2.2004 (date of impugned order) or within the period extended by the learned Single Judge, the amount as required under the order has not been deposited, the order has lost its effect. The order, because of its non-compliance by the respondent/original petitioner would not provide any protective umbrella in favour of the respondent. The appellants are free to proceed in accordance with law. The appeals are allowed. Consequently, Civil Applications are disposed of.

[R.S. GARG, J.]

[RAVI R. TRIPATHI, J.]

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